

02/14/02
J1132 U.S. PTO

PATENT
Attorney Docket 047714-5019-03

02/14/02
09/076,883
US PTO
02/14/02
047714-5019-03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BOX PATENT APPLICATION

Commissioner for Patents
Washington, D.C. 20231

CONTINUATION PATENT APPLICATION
TRANSMITTAL UNDER 37 C.F.R. 1.53(b)

Prior Application: 09/334,921

Title: **PEPTIDES WHICH MIMIC CANDIDA CARBOHYDRATE
EPITOPES AND THEIR USE IN A VACCINE**

Examiner: TBA

Group Art Unit: 1645

1. **This is a request for filing a patent application under 37 C.F.R. 1.53(b).**

This application is a **Continuation** under 37 C.F.R. 1.53(b), of pending prior application No. 09/334,921, filed 06/17/99, which claims benefit of application No. 09/076,883 filed 05/13/98, which claims priority of Provisional application no. 60/046,299 filed 05/13/97, and which claims the priority of PCT/US97/21661 filed on 11/25/97 under 35 USC 120 and 363, which claims priority to Provisional application no. 60/045,030, all of which are herein incorporated by reference in their entirety.

2. **The papers enclosed are as follows:**

107 Pages of specification including:

5 Pages of claims

1 Abstract

25 Sheets of Figures

3. **Oath or Declaration**

A copy of an oath or declaration from a prior application is enclosed under 37 C.F.R. § 1.63(d). The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied is considered as part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

4. Relate Back (35 U.S.C. 120)

Amend the specification by deleting the continuing application information at page 1, the entire first paragraph and inserting the following::

“This application is a **Continuation** under 37 C.F.R. 1.53(b), of pending prior application No. 09/334,921, filed 06/17/99, which claims benefit of application No. 09/076,883 filed 05/13/98, which claims priority of Provisional application no. 60/046,299 filed 05/13/97, and which claims the priority of PCT/US97/21661 filed on 11/25/97 under 35 USC 120 and 363, which claims priority to Provisional application no. 60/045,030, all of which are herein incorporated by reference in their entirety.”

5. Assignment

The prior application is assigned of record to **The Research and Development Institute Inc.** pending recordation date and Reel/Frame numbers.

6. Fee Calculation (37 C.F.R. 1.16)

CLAIMS FOR FEE CALCULATION				
	Number Filed	Number Extra	at Rate of	Basic Fee \$740.00
Total Claims	33 - 20 =	13	\$ 18.00 each =	+ 234.00
Independent Claims	10 - 3 =	7	\$ 84.00 each =	+588.00
Multiple dependent claims (if any)			\$ 280.00	+00.00
SUB-TOTAL				1,562.00
Reduction by ½ for filing by a small entity				\$781.00
TOTAL FILING FEE				\$781.00

7. Fee Payment

Small Entity Status is claimed and

Applicants qualify as a small business concern as defined in 37 CFR 1.27 (a)(1) through (a)(3), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code.

Please charge the total amount of **\$781.00** to Deposit Account No. 50-0310 for the basic filing fee (\$370.00); and additional claims fee (\$411.00). The Commissioner is hereby authorized to charge any additional extension of time fees or any additional fee for claims due to Deposit Account No. 50-0310.

8. Power of Attorney

The power of attorney in the prior application is to at least one of the registered practitioners of Morgan, Lewis & Bockius LLP included in the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and all correspondence shall be addressed to that Customer Number. Please address all correspondence to Morgan, Lewis & Bockius LLP at

Customer No. 009629.
Morgan, Lewis & Bockius LLP
11111 Pennsylvania Ave., NW
Washington, D.C. 20004

9. Petition For Extension Of Time

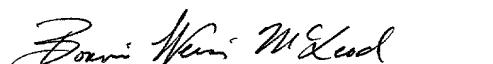
If any extension of time is necessary for the filing of this application, including any extension in prior application No. 09/334,922 (filed June 17,1999), for the purpose of maintaining copendency between the prior application and the present application, and such extension has not otherwise been requested, such an extension is hereby requested, and the Commissioner is authorized to charge necessary fees for such an extension to **Deposit Account No. 50-0310**.

10. Additional Fees

Except for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be an **constructive petition for extension of time** in accordance with 37 C.F.R. 1.136(a)(3).

Dated: **February 14, 2002**
Morgan, Lewis & Bockius LLP
Customer No. **09629**
1111 Pennsylvania Avenue, NW
Washington, D.C. 20004
202-739-3000
202-739-3001

Respectfully submitted
Morgan, Lewis & Bockius LLP


Bonnie Weiss McLeod
Registration No. **43,255**